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COURT OF APPEALS
DIVISION II

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Court of Appeals, Division 11
State of Washington

DEPUTY

State of Washington,
Respondent,
vs.

Jason Hernandez,
Appellant

Appeal No. 46093-9-11

(Pierce Co. Cause No. 13-1-02943-1)

RAP

SAG 10.10 / Declaration

Comes New Appellant, Jason Hernandez, in pro se under RAP 10.10, and moves the Court for permission to file the foregoing Statement of Additional Grounds (SAG), with good cause appearing.

Appellant is without a legal library or legal assistance to help in research in this matter and is requesting the Court will interpret liberally to promote justice and equal protection of the law.

See: RAP 1.2(c); Haines v. Kerner, 404 U.S. 519 (1972).

Ineffective Assistance of Counsel

Appellant declares that the elements in cause No. 13-1-02943-1 do not exist to support a conviction pursuant to RCW 9A.04.100 "Proof beyond a reasonable doubt, mandates as a matter of law: (1) every person charged with the commission of a crime is presumed [Trial counsel failed to investigate the case.]

Trial Counsel failed to effectively defend Appellant during trial in cause No. 13-1-02943-1. innocent unless proved guilty. No Person may be convicted of a crime unless Each Element of such crime is proved by competent evidence beyond a reasonable doubt. (2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he Shall be convicted only of the lowest degree. TMWOP. [?]

Appellant hereby incorporates Appellant's Opening Brief as if fully incorporated herein. Additionally, Appellant firmly contends that the Element of knowingly Stole a motor vehicle never existed, and therefore could not have been proven during the trial. Appellant was simply receiving a ride, had No prior knowledge the vehicle was stolen, and the state has failed to prove otherwise. As such a manifest injustice exist, as a matter of law, and mandates that Appellant receive a new trial. Reversal is warranted.

Appellant does not dispute riding in the vehicle, he firmly argues he had no knowledge he was being picked up in a stolen vehicle by friends, the record shows. Moreover, at worst, Appellant could have been found guilty of RCW(?) "Taking a Motor Vehicle without the Owners permission", that carries a max range of 29 months, pursuant to RCW 9A.04.100, Id. Appellants due process under the 5th, 6th, and 14th Amend. U.S. Constitution have been violated. Appellant prays a new trial for his Constitutional relief.

Respectfully Submitted: Dated: 11-16-2014
Jason Glennard

Jodi R. Becklund, Appellant's Counsel
11-16-2014
U.S. mail

cc

Addendum

Appellant declares that the motor vehicle in this matter did not have a damaged or tampered with ignition switch, the vehicle did in fact have the Original Key to it, and the keys to the vehicle were in fact in the police's ~~possession~~ possession at the time of Appellant's arrest. As such, and based on all the other reviewable evidence by this Court, the Court should conclude that the Jury Should have included a lesser included Charge. For example :

"Taking a motor vehicle without the owner's permission". Here, the elements might exist.

Declaration

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and understanding.

Dated this 16 day of November, 2014, and signed at Littlerock, Washington

Respectfully Submitted,
By: Jason Glenny,
Appellant/Declarant

Cc: Counsel

Pro se RRP 10.10